

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

KEWANNA JERRYMAN,	-	
	-	
Plaintiff,	-	
	-	PLAINTIFF'S
v.	-	COMPLAINT AND
	-	DEMAND FOR JURY
COMMERCIAL RECOVERY SYSTEMS, INC.,	-	TRIAL
	-	
Defendant.	-	

KEWANNA JERRYMAN ("Plaintiff"), through her attorneys, KROHN & MOSS, LTD., allege the following against COMMERCIAL RECOVERY SYSTEMS, INC., ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Georgia, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiffs are natural persons residing in the Savannah, Chatham County, Georgia.

7. Plaintiffs are consumers as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiffs allegedly owe a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiffs.

9. Defendant is a national company located in Dallas, Texas.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously placed collection calls to Plaintiffs seeking and demanding payment for an alleged debt from World Omni Financial.

12. Defendant is attempting to collect \$9,000.00 from Plaintiff, when the outstanding debt was \$6,400.00.

13. Defendant's representative, Wesley Johnson, threatened to take Plaintiff to court and sue her if she does not pay the alleged debt.

14. Defendant's representative, Wesley Johnson, threatened to garnish Plaintiff's wages if Plaintiff does not pay the alleged debt.

15. Defendant calls Plaintiff from 800-214-7891.

16. Defendant calls Plaintiff and fails to disclose that the call is from a debt collector.

17. Defendant calls Plaintiff without meaningful disclosure of the caller's identity.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant calls Plaintiff and fails to state the name of its company.
- c. Defendant violated §1692e(2)(A) of the FDCPA by falsely representing the character, amount, and legal status of Plaintiff's debt because Plaintiff does not owe the money Defendant is attempting to collect.
- d. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action.
- e. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit against Plaintiff even though Defendant does not intend to do so.
- f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action.
- g. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to file a lawsuit against Plaintiff even though Defendant does not intend to do so.
- h. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the call is from a debt collector attempting to

collect a debt and that any information obtained will be used for that purpose because Defendant calls Plaintiff and hangs up without leaving a voicemail message.

- i. Defendant violated §1692f(1) of the FDCPA by attempting to collect an amount that is not authorized by the agreement or permitted by law because Defendant is attempting to collect \$9,000.00 when the outstanding debt was \$6,400.00.

WHEREFORE, Plaintiff, KEWANNA JERRYMAN, respectfully requests judgment be entered against Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., for the following:

19. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
21. Any other relief that this Honorable Court deems appropriate.

DATED: November 9, 2011 RESPECTFULLY SUBMITTED,
KROHN & MOSS, LTD.

By: /s/ Shireen Hormozdi
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, KEWANNA JERRYMAN, demands a jury trial
in this case.